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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision : 15.05.2026

BANKA SINGH

... PETITIONER

Versus

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Manik Makkar, Advocate for the petitioner.

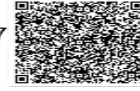
Mr. Sandeep Kumar, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. This is the 3rd petition filed by the petitioner under Section 483 BNSS, 2023 seeking regular bail, in case FIR No.0029 dated 04.06.2019 registered under Sections 15 & 22 of the NDPS Act, 1985 at Police Station Ghagga, District Patiala, Punjab.

2. The case of the prosecution is that while the police party was on patrolling duty, an Optra car being driven at a very high speed was stopped which was allegedly being driven by co-accused Harwinder Singh @ Babla, whereas the present petitioner was stated to be sitting on the rear seat of the car. Upon search of the vehicle, two bags containing 20 kilograms of poppy husk each were allegedly recovered. In addition thereto, 08 boxes of Clovidol-100 SR tablets (total 4000 tablets) containing Tramadol had been recovered from the car.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no contraband was recovered

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from his conscious possession. Learned counsel further submits that there is non-compliance of the mandatory provisions of the NDPS Act, inasmuch as no independent witness was joined at the time of the alleged recovery. He also submits that the petitioner is in custody for the last more than 06 years, 11 month and 08 days and in view thereof, he be granted the benefit of regular bail.

4. On the other hand, learned State counsel has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 06 years, 11 month and 08 days. Learned State counsel, upon instructions, submits that the petitioner is involved in several other cases, including one case under the NDPS Act wherein he is presently on bail, whereas in two other cases under the NDPS Act, he already stands convicted. Learned State counsel further submits that the trial is at the fag end, as out of 16 cited prosecution witnesses, 12 have already been examined, 03 have been given up and only one prosecution witness remains to be examined. It is also submitted that since the alleged recovery pertains to commercial quantity, the petitioner does not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record.

6. It is apparent that the alleged recovery falls within the ambit of commercial quantity and the same attracts the rigours of Section 37 of the NDPS Act. In this regard, reference may be made to the judgment of Hon'ble the Supreme Court in **State of Punjab versus Sukhwinder Singh @ Gora, 2026 INSC 411**, wherein it has been held as under:-

“ It is well-settled that in matters involving recovery of contraband in commercial quantity, the twin conditions under [Section 37\(1\)\(b\)\(ii\)](#) of the NDPS Act are mandatory and entail no relaxation merely on the



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ground that the accused has undergone prolonged incarceration during the pendency of trial. The provision casts upon the Court a duty to record, before enlarging an accused on bail, its satisfaction on two cumulative conditions, first, that there exist reasonable grounds for believing that the accused is not guilty of the offence charged; and second, that he is not likely to commit any offence while on bail. The recording of such 6 Criminal Appeal No.1700 of 2026 @ SLP (Crl.) No.3326 of 2026 dated 01.04.2026 satisfaction is not a mere formality but a mandatory pre-condition, the non-observance of which vitiates the grant of bail. This Court, in Kashif (supra), has held in no uncertain terms that the recording of satisfaction on the twin conditions under [Section 37](#) is mandatory and not merely directory, and that an order granting bail without such recorded satisfaction stands vitiated and cannot be sustained. The same view stands reiterated in Lalrintluanga Sailo (supra).”

7. In the present case, apart from the fact that the recovery allegedly pertains to commercial quantity, the petitioner is stated to be involved in multiple other criminal cases, including two convictions under the NDPS Act. Furthermore, the trial is at an advanced stage and is likely to conclude shortly, this Court is not inclined to grant the concession of regular bail to the petitioner at this stage.

8. Consequently, the petition is dismissed.

9. However, considering the long custody undergone by the petitioner, the trial Court is directed to make every effort to conclude the trial expeditiously, preferably within a period of three months from the date of receipt of a certified copy of this order.

May 15, 2026
Sonia

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No